



# Public Notice

**Applicant:**

Mortell and Associates,  
LP

**Date:**

Published: April 2, 2004  
Expires: May 1, 2004

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

Buffalo District **CELRB-TD-R RE: 98-501-0010(2)** **Section: OH 404**

**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mortell and Associates, LP, c/o Michael Mortell, Geneva Investment Management, 181 W. Madison Street, Suite 3750, Chicago, Illinois 60610 has submitted a request for Department of the Army authorization to place fill in Federal wetlands and a stream for the construction of the Heisley Park subdivision. The project is located in the vicinity of Jackson Street near the City of Mentor corporate boundary, in the City of Painesville, Lake County, Ohio.

Department of the Army authorization is required to place fill in 13.88 acres of Federal wetlands (ORAM Category 1 and 2) and 2,774 linear feet of a previously modified stream (QHEI score 29). The applicant proposes to relocate the stream along the southerly and westerly property boundary resulting in a stream segment 2,161 feet in length. The project area contains 205 acres of land, including 43.05 acres of Federal wetland and approximately 3,039 linear feet of stream.

**PROJECT HISTORY:**

A Nationwide Permit 39 was affirmed on August 8, 2003, for the placement of fill in 0.47 acres of Federal wetland for the construction of the initial phases of the Heisley Park subdivision. Mortell and Associates, LP, purchased 0.8 credit at the Trumbull Creek Mitigation Bank (Grand River Watershed, Ashtabula County) as mitigation for these wetland losses.

The property was previously part of the Diamond Shamrock salt solution mining injection well field. The applicant has tested soil chloride concentrations at 10 selected sites throughout the property. Samples were collected at approximately 1 and 7 feet of depth at each station. The results ranged from 37.5 ppm to 1150 ppm (average 203 ppm).

**MITIGATION:**

To compensate for these wetlands losses, the applicant proposes to construct 23.07 acres of compensatory wetland mitigation on a parcel of land located in Leroy Township, Lake County, Ohio. The applicant also proposes to establish upland buffers totalling 11.57 acres in approximately 13 locations within the Heisley Park subdivision

property, and create forested areas by planting trees within existing wetlands adjacent to proposed development totalling 2.53 acres onsite.

The applicants stated purpose is to develop a residential subdivision.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Theresa B. Hudson, who can be contacted by calling (716) 879-4368, or by e-mail at: [theresa.b.hudson@usace.army.mil](mailto:theresa.b.hudson@usace.army.mil)

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Theresa B. Hudson, or by e-mail at: [theresa.b.hudson@usace.army.mil](mailto:theresa.b.hudson@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

# SIGNED

Philip D. Frapwell  
Acting Chief, Regulatory Branch

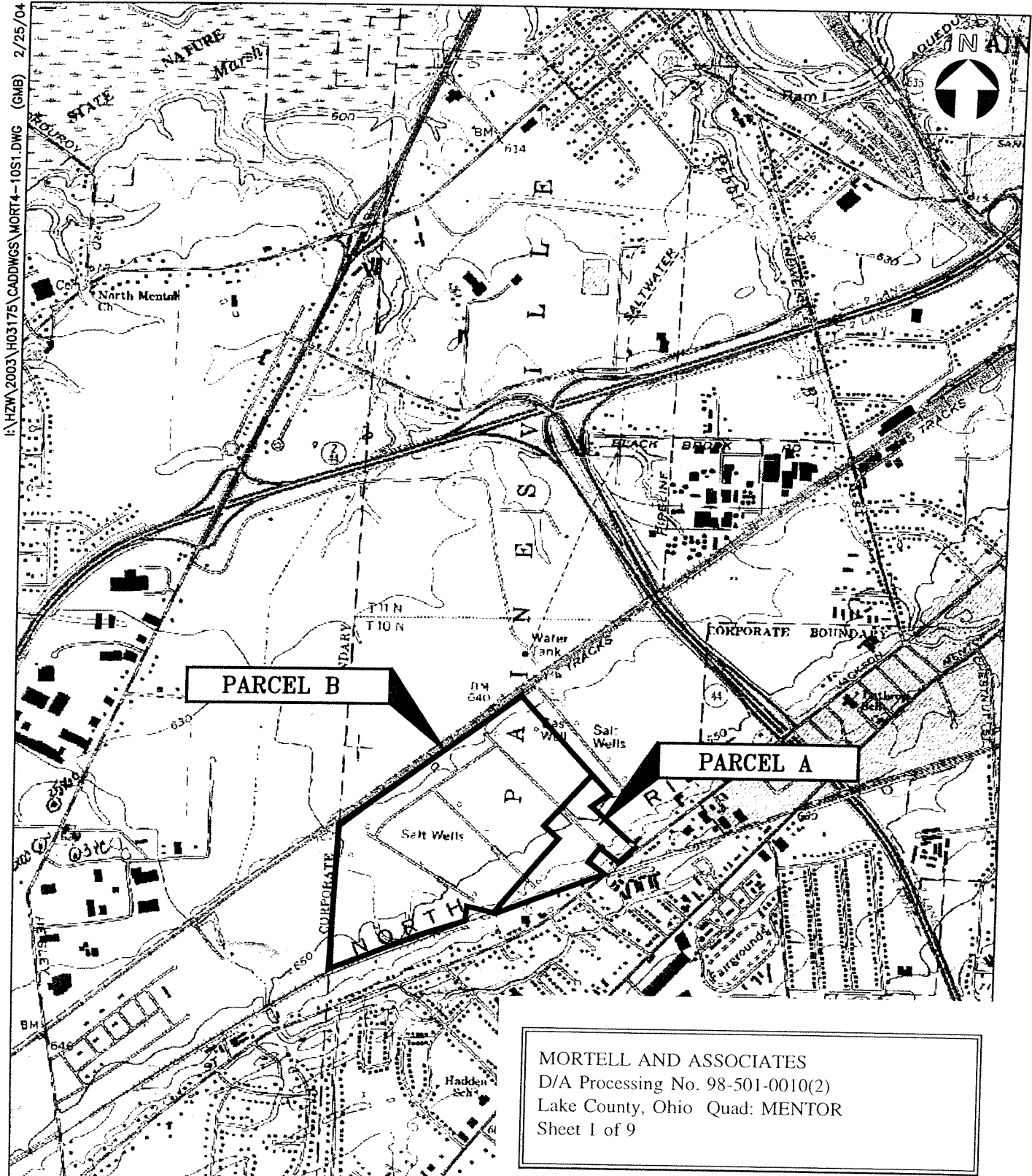
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

# PROJECT LOCATION MAP

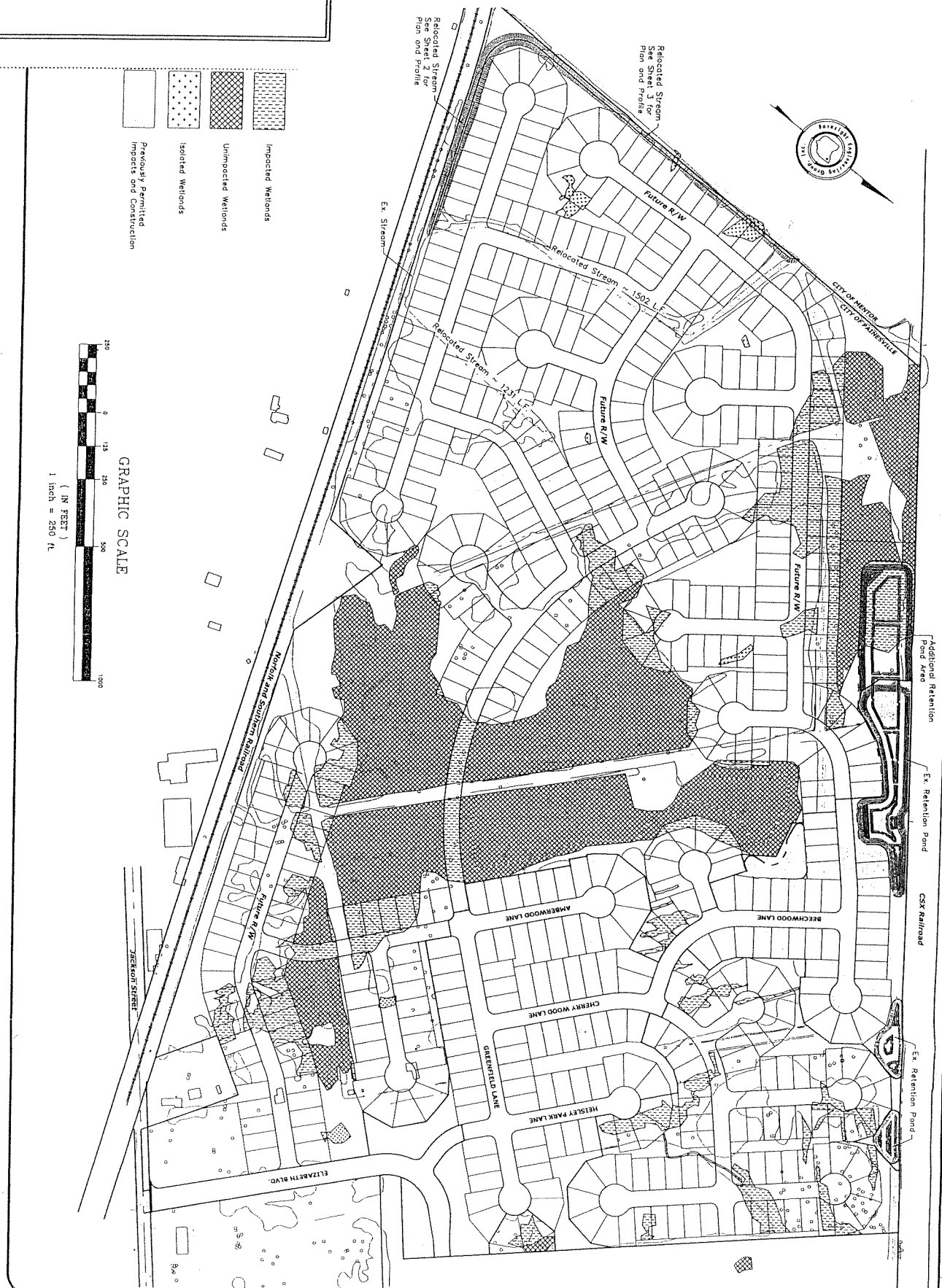
## TOPOGRAPHIC MAP

UNITED STATES GEOLOGICAL SURVEY

1963 (PHOTOREVISED 1992) MENTOR, OHIO



# OVERALL SCHEMATIC WITH WETLANDS AND STREAMS



1/4

SHEET NO.







MORTELL ASSOCIATES  
HEISLEY PARK RESIDENTIAL SUBDIVISION  
City of Painesville - Lake County - Ohio  
Overall Schematic

REVISIONS:

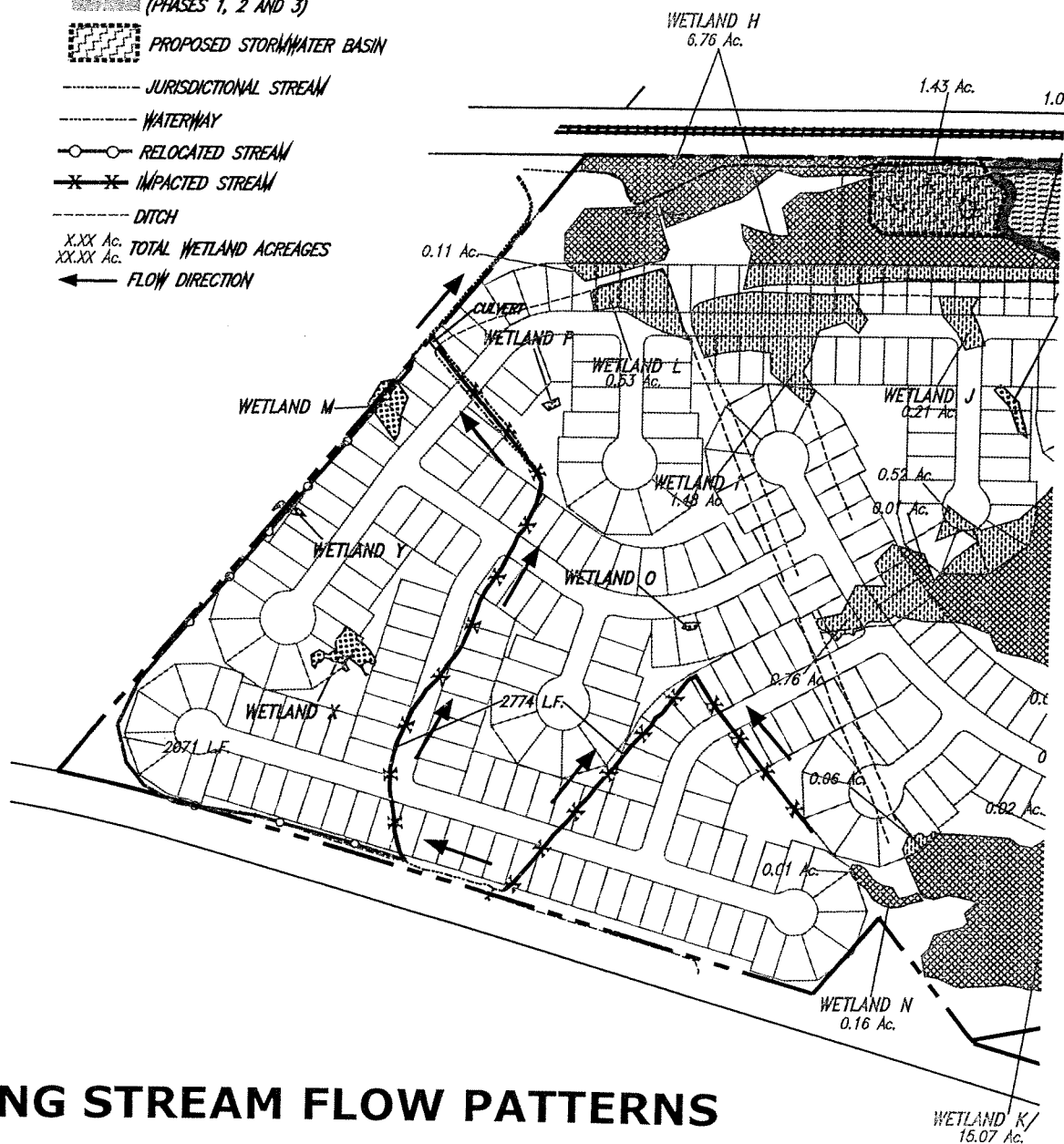
SCALE: Horiz 1" = 250'  
Vert. None  
FILE NAME:  
DATE:  
February 9, 2004

**Foresight Engineering Group**  
Engineers & Surveyors  
440 284-1810  
440 284-1811 fax  
220 Cedar Street, Suite F  
Painesville, Ohio 44060

# **LEGEND:**

-  UNIMPACTED ADJACENT WETLAND
-  IMPACTED ADJACENT WETLAND
-  ISOLATED WETLAND
-  SECONDARY ADJACENT WETLAND IMPACT
-  PREVIOUSLY PERMITTED IMPACTS (PHASES 1, 2 AND 3)
-  PROPOSED STORMWATER BASIN
- JURISDICTIONAL STREAM
- WATERWAY
- ○ ○ RELOCATED STREAM
- ✕ ✕ ✕ IMPACTED STREAM
- DITCH
- X.XX Ac.  
XX.XX Ac. TOTAL WETLAND ACREAGES
- ← FLOW DIRECTION

0 200 400  
(FEET)



## **EXISTING STREAM FLOW PATTERNS**

MORTELL AND ASSOCIATES  
D/A Processing No. 98-501-0010(2)  
Lake County, Ohio Quad: MENTOR  
Sheet 3 of 9

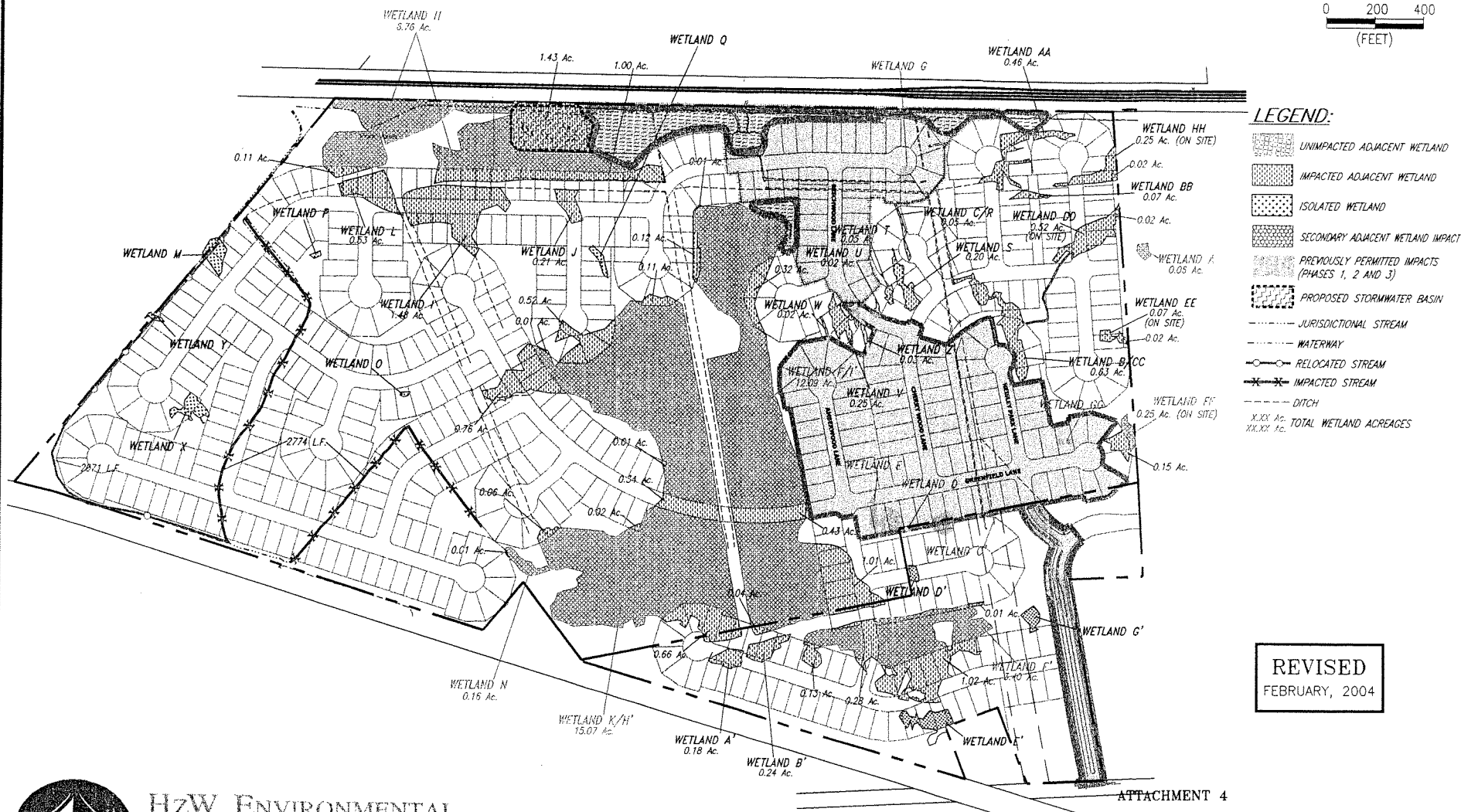
### **ATTACHMENT 3**

Map Depicting Flow of Jurisdictional Stream  
Located in the Western Portion of the  
Heisley Park Subdivision  
Mortell and Associates, LP  
Lake County, Ohio

# PROPOSED WETLAND AND STREAM LOSSES

MORTELL AND ASSOCIATES  
D/A Processing No. 98-501-0010(2)  
Lake County, Ohio Quad: MENTOR  
Sheet 4 of 9

I:\HZW\2003\H03175\CADD\WGS\MORTPREF2.DWG (GMB) 2/24/04



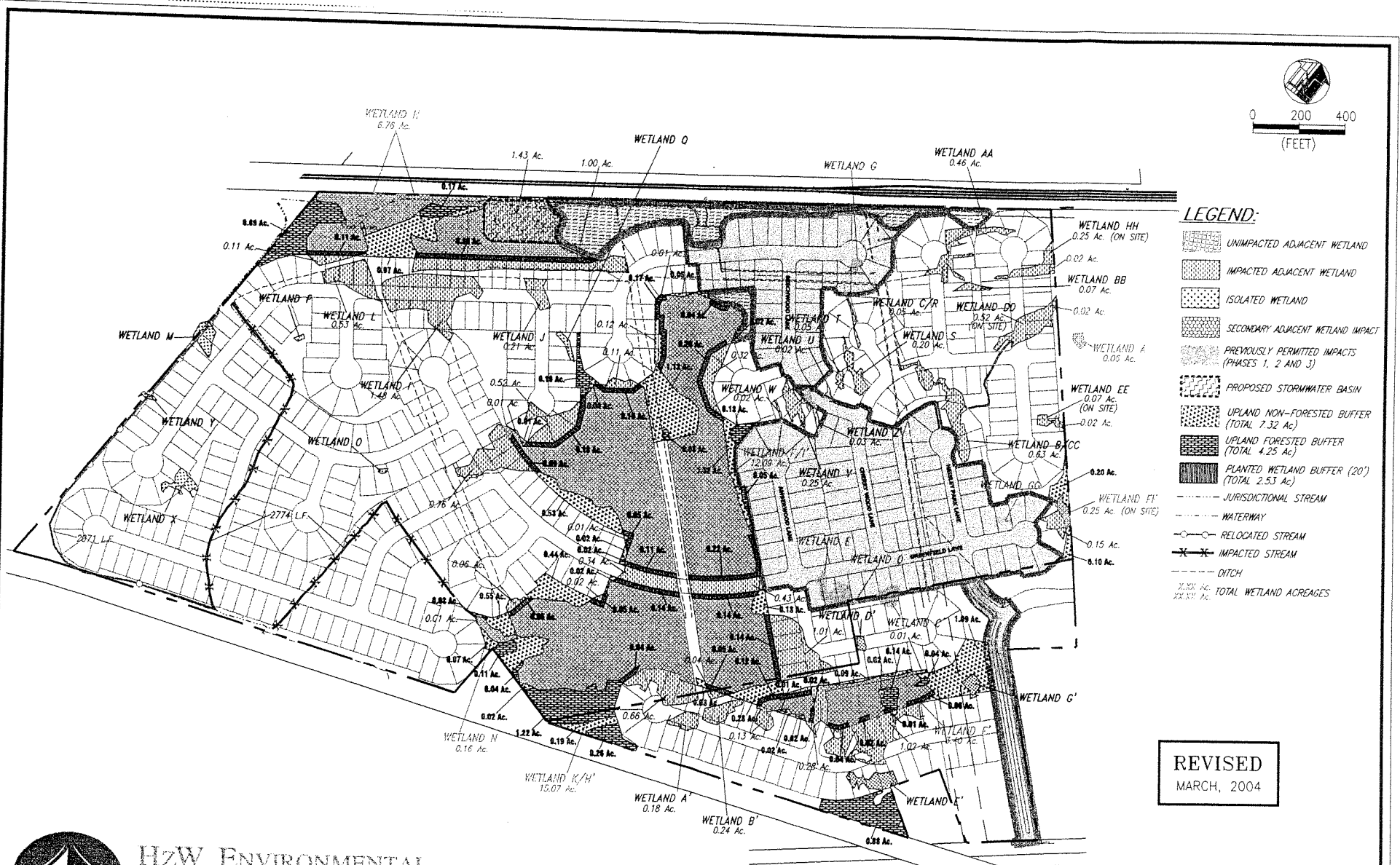
**HZW ENVIRONMENTAL**  
CONSULTANTS, INC.

6105 Heisley Rd. • Mentor, OH 44060  
440-357-1260 • Fax 440-357-1510

Site Plan Showing Wetland and Stream Impacts  
for the Preferred Alternative (Alternative 1)  
of the Heisley Park Subdivision, Phases 4-10  
Mortell and Associates, LP  
Lake County, Ohio



# PROPOSED ON-SITE BUFFERS



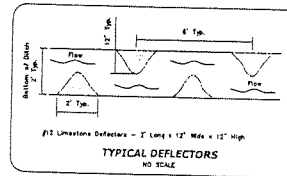
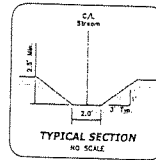
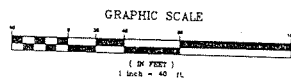
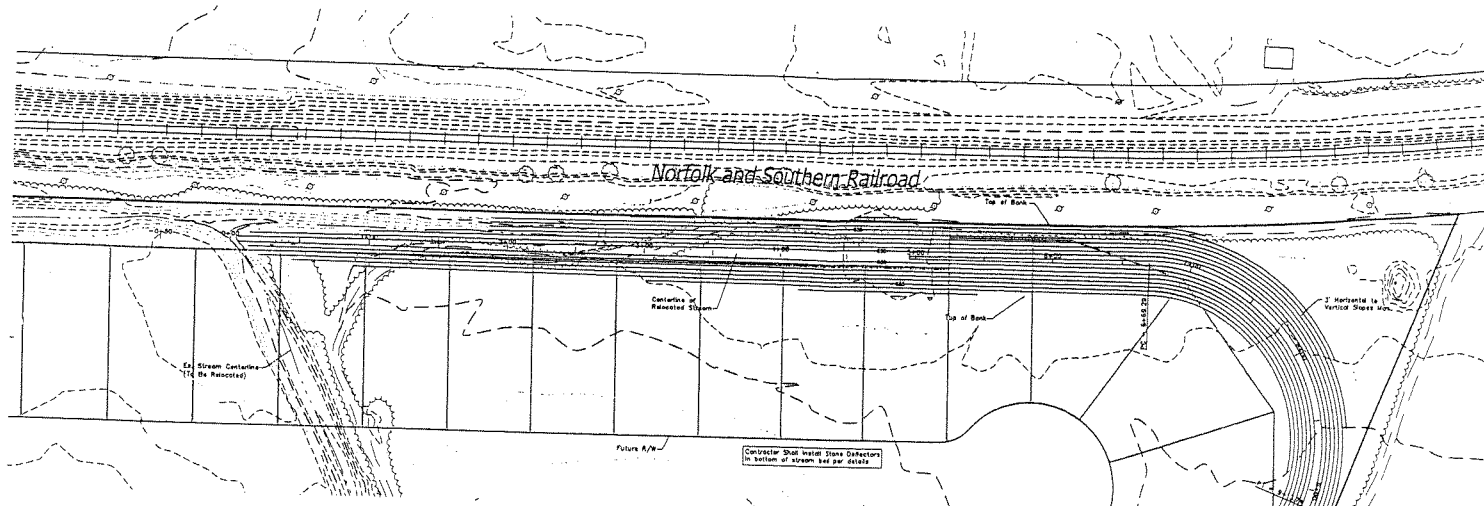
**HzW ENVIRONMENTAL**  
CONSULTANTS, INC.

6105 Heisley Rd. • Mentor, OH 44060  
440-357-1260 • Fax 440-357-1510

ATTACHMENT 14

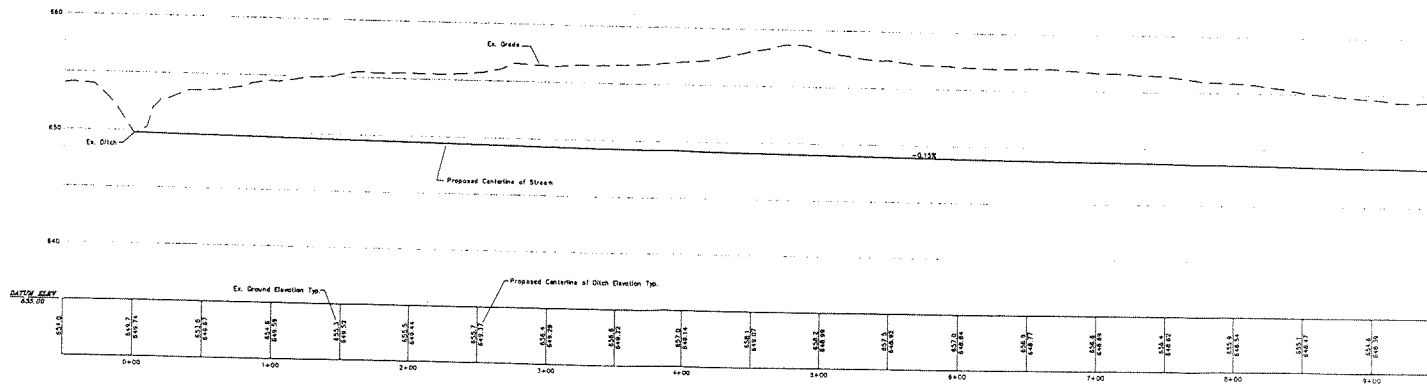
Preferred Alternative Showing Proposed Buffers  
of the Heisley Park Subdivision, Phases 4-10  
Mortell and Associates, LP  
Lake County, Ohio





Relocated Stream Design Data

Given Input Data:	
Shape	Triangular
Slope	Flatside
Depth	6.0015 ft
Bottom width	2.0000 ft
Left slope	0.3333 ft/ft (V/H)
Right slope	0.3333 ft/ft (V/H)
Computed Results:	
2-year Flow Rate	1.87 cfs
100-year Flow Rate	23.44 cfs
Capacity	26.2450 cfs
Full Flowrate	14.277 cfs
Flow area	44.0012 sq ft
Flow perimeter	14.4002 ft
Hydraulic radius	3.0557 ft
Top width	14.4002 ft
Area	23.7919 sq ft
Perimeter	17.8128 ft
Percent full	62.0000 %



Ditch Relocation Profile ~ Sta. 0+00 - 9+50

MORTELL AND ASSOCIATES  
D/A Processing No. 98-501-0010(2)  
Lake County, Ohio Quad: MENTOR  
Sheet 6 of 9

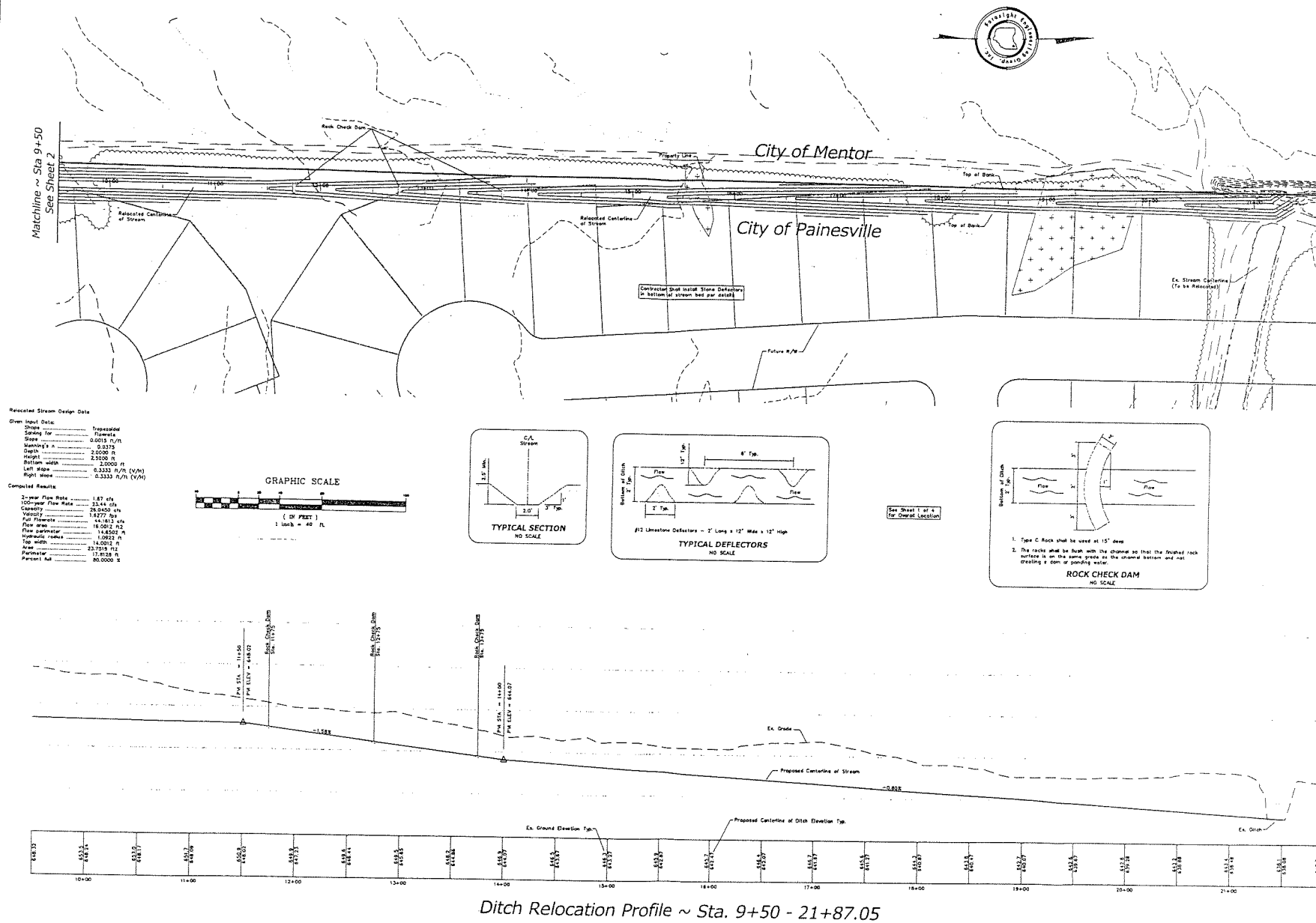
# STREAM RELOCATION PROPOSAL (PAGE 1)

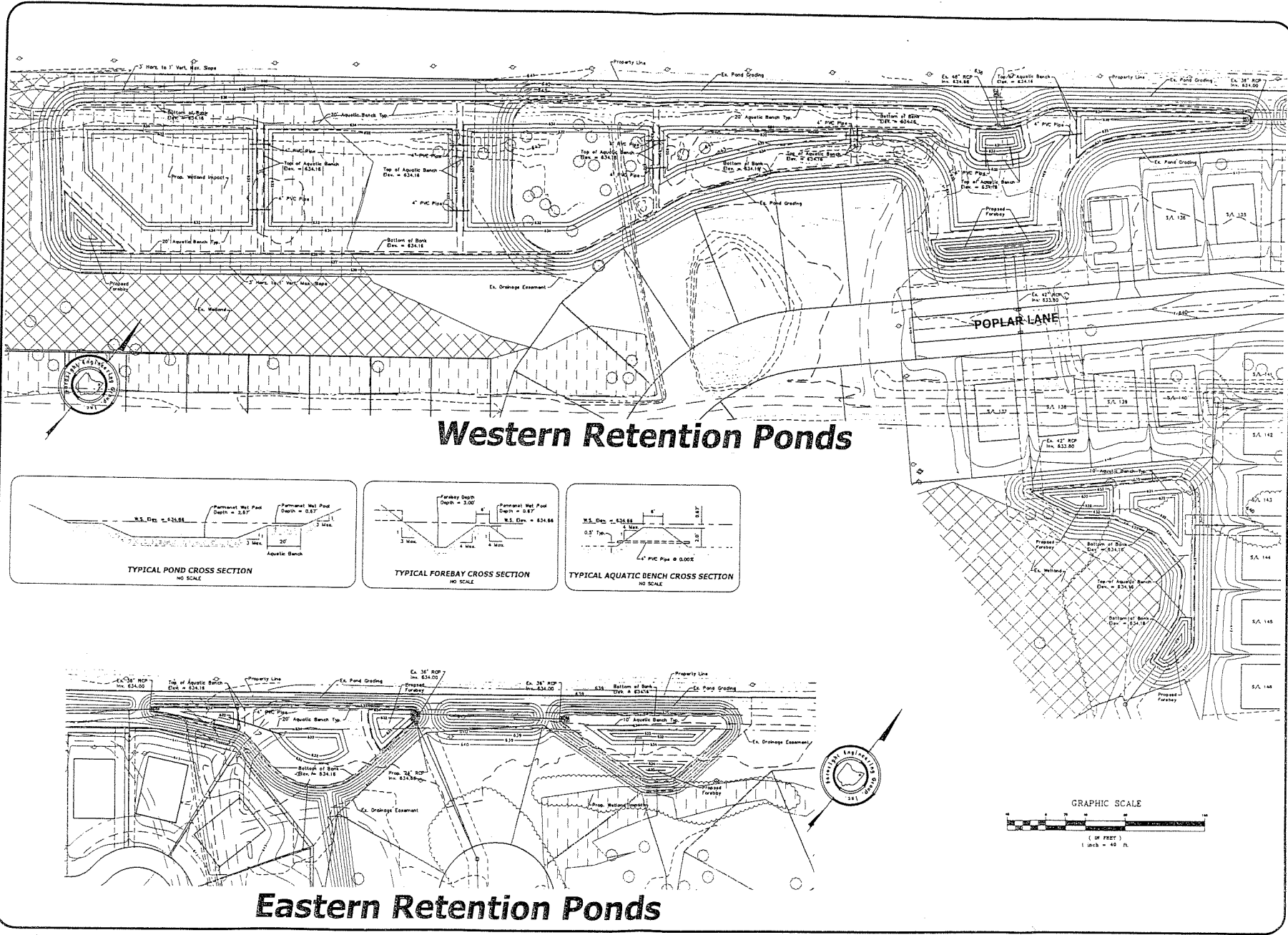
**Foresight Engineering Group**  
Engineers & Surveyors  
100 200 300 400 500 600 700 800 900 1000  
100 200 300 400 500 600 700 800 900 1000  
100 200 300 400 500 600 700 800 900 1000  
100 200 300 400 500 600 700 800 900 1000

SCALE: Horiz. 1" = 40'  
Vert. 1" = 5'  
DATE: 2/6/2004  
PROJECT: HEISLEY PARK RESIDENTIAL SUBDIVISION  
SHEET NO. 2/4

MORTELL ASSOCIATES  
HEISLEY PARK RESIDENTIAL SUBDIVISION  
City of Painesville - Lake County - Ohio  
Stream Relocation Plan and Profile

SHEET NO.  
2/4





MORTELL AND ASSOCIATES  
D/A Processing No. 98-501-0010(2)  
Lake County, Ohio Quad: MENTOR  
Sheet 8 of 9

## PROPOSED STORMWATER PONDS

**Foresight Engineering Group**  
Engineers & Surveyors  
1400 Main Street, Suite 100  
Painesville, Ohio 44060  
Phone: 440.339.1111  
Fax: 440.339.1112  
E-Mail: info@foresighteng.com

SCALE: Horiz. 1" = 40'  
VERT. 1" = 10'  
DATE: February 5, 2004

REVISIONS:

MORTELL ASSOCIATES  
HEISLEY PARK RESIDENTIAL SUBDIVISION  
City of Painesville - Lake County - Ohio  
Retention Pond Grading Plan

SHEET NO.

4 / 4

# TOPOGRAPHIC MAP

UNITED STATES GEOLOGICAL SURVEY

1960 (PHOTOREVISED 1985) PAINESVILLE, OHIO

